

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

IMPLICIT, LLC,

Plaintiff,

v.

NETSCOUT SYTEMS, INC.,

Defendant.

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**Civil Action No. 2:18-cv-53-JRG
LEAD CASE**

JURY TRIAL DEMANDED

**PLAINTIFF IMPLICIT, LLC'S
NOTICE OF CONFLICT**

Pursuant to the Court's Docket Control Order entered on May 21, 2019 (Dkt. 126, last amended as Dkt. 139), a jury trial in this case is set for December 9, 2019. Plaintiff Implicit, LLC ("Implicit") hereby provides notice to the Court and all parties that its technical expert (infringement and validity), Dr. Kevin C. Almeroth, has a conflict that week because it is expected that he will appear and testify the week of December 9, 2019 in the case of *Sony Music Entertainment v. Cox Communications, Inc.*, 1:18-CV-00950-LO-JFA (E.D. Va.). On June 21, 2019, the Court in that case set it for trial beginning on December 2, 2019. It is expected that Dr. Almeroth, as a technical expert for Defendants in the *Sony* case, is expected to be at trial the week of December 2, 2019 and will be scheduled to testify the week of December 9, 2019. A copy of the order setting the case for trial on December 2, 2019 is attached as Exhibit A. Plaintiff recently became aware of the conflict and has tried to resolve Dr. Almeroth's conflict but has not been able to do so.

Dated: November 5, 2019

Respectfully submitted,

By: /s/Christian J. Hurt
Christian J. Hurt

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document is being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(V). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), any counsel of record not deemed to have consented to electronic service will be served with a true and correct copy of the foregoing by email on this 5th day of November, 2019.

/s/Christian J. Hurt
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